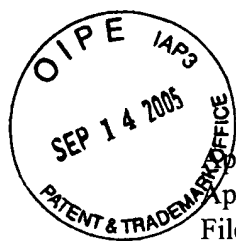


17W



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/721,743 Confirmation No. : 3948  
Applicant(s) : Dean Weldon BOYD et al.  
Filed : November 26, 2003  
Title : CONFIGURABLE PRICING OPTIMIZATION SYSTEM  
TC/A.U. : 3622  
Examiner : Not Yet Assigned  
Docket No. : 82001-0397  
Customer No. : 24633

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(b)**

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to the patentability of the above-identified application.

The USPTO has waived the requirements under 37 CFR 1.98 (a)(2)(I) to submit copies of U.S. patent and U.S. patent applications, publications when citing and submitting an Information Disclosure Statement in a patent application filed after June 30, 2003, and International Application that have entered the National Stage under 37 USC 371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to PRE-OG Notice from the Office of Patent Legal Admin dated July 25, 2003, stating an Information Disclosure Statements may be filed without copies of U.S. patents and published applications for patent applications filed after June 30, 2003.

This information disclosure statement is being filed within one of the following time periods: within three months of the filing date of this application other than a continued prosecution application, or within three months of the date of entry into the national stage of this international application, or before the mailing date of a first Office Action on the merits, or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. §1.17(p) is required.

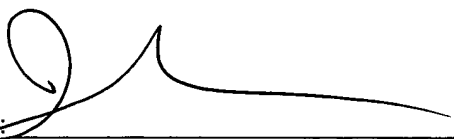
Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached PTO-1449. The references contained in this Information Disclosure Statement were first cited in the attached Search Report dated June 16, 2004, in counterpart International Application No. PCT/US03/37601.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

By: 

Celine Jimenez Crowson  
Registration No. 40,357

David D. Nelson  
Registration No. 47,818

Dated: September 14, 2005

**HOGAN & HARTSON LLP**  
555 13<sup>th</sup> Street, N.W.  
Washington, D.C. 20004  
Telephone: (202) 637-5600  
Facsimile: (202) 637-5910  
**Customer No. 24633**

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (Use several sheets if necessary)	ATTY. DOCKET NO.	APPLICATION NO.
	82001-0397	10/721,743
	APPLICANTS	
	Dean Weldon BOYD et al.	
	FILING DATE	GROUP
	November 26, 2003	3622

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	B1	5,970,470 A	10/19/1999	Walker et al.			
	B2	6,044,357 A	03/28/2000	Garg			
	B3	6,061,691 A	05/09/2000	Fox			
	B4	6,085,164 A	07/04/2000	Smith et al.			
	B5	6,094,641 A	07/25/2000	Quimet et al.			
	B6	6,223,163 B1	04/24/2001	Van Luchene			
	B7	5,752,238 A	03/12/1998	Dedrick			
	B8	5,873,069 A	02/16/1999	Reuhl et al.			
	B9	5,878,400 A	03/02/1999	Carter et al.			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	PUBLISHED DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							Yes	No

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Title of the item (book, magazine, journal, serial symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	B10	David D. FRIEDMAN, <u>Price an Intermediate Text Theory</u> , second edition, copyright page and pp. 255-263.
		International Search Report dated June 16, 2004, for International Application No. PCT/US03/37601.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.